THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:23-3-2006

WRIT PETITION No. 5763 OF 2006

BETWEEN:

Segu Aruna

…Petitioner

And

Dhone Municipality, Dhone, Rep.by its Commissioner and another.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus, declaring the action of the respondents in not paying the bills to the petitioner even after completion of works which were payable by the erstwhile Dhone Gram Panchayat as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondents.

It is the case of the petitioner that she was elected as Sarpanch of erstwhile Dhone Gram Panchayat in the elections held on 14-8-2001 and her term is due to expire by August, 2006, but the Dhone Gram

Panchayat was converted into Municipality with effect from 30-4-2005 and therefore, she was seized to be the Sarpanch of said Gram Panchayat. It is stated that certain works have been executed by the petitioner by taking advance of Rs.1,00,000/- and after adjusting the said amount, still a sum of Rs.2,76,018/- is payable to the petitioner for the completed works. It is stated that on an application filed by the petitioner for payment of the final bills, the concerned Assistant Engineer, Dhone Municipality addressed a letter in ROC.No.51/A1/2005, dated 6-6-2005, stating that the petitioner has executed certain works of Dhone Gram Panchayat relating to S&RY, SFC, EFC and appropriate action will be taken for payment of the said bills after sending the entire records of estimates, M-Books, Work Order and agreements etc., to the Municipality. It is stated that the petitioner has issued a notice to the Commissioner, Dhone Municipality on 15-12-2005 for settlement of the pending bills, but no action has been taken.

Without expressing any opinion with regard to the successful execution of the works and the alleged amounts due and payable to the petitioner and as the representation of the petitioner is pending before the Commissioner, Dhone Municipality, he is directed to consider and dispose of the said representation of the petitioner dated 15-12-2005 within two months from the date of receipt of copy of this order.

The writ petition is disposed of accordingly.

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V.ESWARAIAH, J

Date: 23-3-2006.

Shr.